

## **CHIROPRACTIC QUALITY ASSURANCE COMMISSION MEETING MINUTES**

**December 10, 2015 – 9:00 a.m. to 3:55 p.m.**

Department of Health  
[CenterPointe, Room 309](#)  
20425 – 72<sup>nd</sup> Avenue S  
Kent, WA 98032

### **Commission Members:**

Matthew Waldron, DC, Chair, Aaron Chan, DC, Vice-Chair, Winfield Hobbs, DC, Vice-Chair, James Slakey, Public Member, Gabe (Gary) Smith, DC, (absent in the morning but joined by phone at noon until adjournment), Doug Long, DC, Robert Schmitt, DC, Bryson Langel, DC, (absent), Ronwynn Pratt, DC, Maria Best, DC, David Folweiler, DC, Louise Stephens, Public Member, Judy Colenso, Public Member, and Kimberly Corbin Waters, DC, (absent)

### **Commission Staff Present**

Leann Yount, Program Manager  
Bob Nicoloff, Executive Director  
Lilia Lopez, Assistant Attorney General (AAG)  
Mike Ellsworth, DOH Supervising Staff Attorney  
Jessica Jorgensen, Administrative Assistant

### **Others Present**

Danielle Welliever, DOH, HSQA Policy Analyst  
Tami Thompson, DOH Policy Analyst  
Suzanne Becker, AAG

On December 10, 2015 the Chiropractic Quality Assurance Commission (Commission) met in Kent, Washington at the Department of Health 20425 – 72<sup>nd</sup> Ave S Kent, WA 98032. In accordance with the Open Public Meetings Act, the regular meeting agenda was made available on line at least 24-hours prior to the meeting.

### **OPEN SESSION – December 10, 2015**

**9:00 a.m.**

#### **1. CALL TO ORDER – Dr. Waldron, DC, Chair**

**9:00 a.m.**

##### **1.1 The December 10, 2015 meeting agenda was approved with the following additions:**

- Dr. Waldron presented Dr. Langel's expert witnesses New Business request due to his absence at the meeting. This item is assigned to Committee 2.
- Jim Slakey requested a preliminary discussion about preparing and planning drafting the pilot report in [RCW 18.25.210](#). He also requested discussion regarding term limits for Commissioners that were not appointed to a full four-year term.

**1.2** The October 8, 2015 business meeting minutes and the November 12, 2015 rules workshop minutes were approved.

**1.3** Message from the Commission leadership included:

- Dr. Waldron thanked everyone for their hard work and recognized the Commissioners have been assigned additional tasks beyond attending the meetings. For example, Judy Colenso represented the Commission at the Board of Physical Therapy meeting in October.
- Dr. Waldron also reminded the Commission about the new Committee structure that was implemented at the last Commission meeting. Dr. Chan is the chair of Committee 1, Dr. Hobbs is the chair of Committee 2, and Dr. Waldron and Judy Colenso will continue as floaters to assist both Committees where needed.
- Next rules chapter review meeting:
  - March 10, 2016 – Department of Health-CenterPointe, Room 309 in Kent
- February 11, 2016 mock case presenter:
  - Committee 2 will determine who will present and the topic to be presented.

**2. WASHINGTON STATE CHIROPRACTIC ASSOCIATION (WSCA) ANNUAL CONFERENCE, WSCA BOARD MEETING, AND BOARD OF PHYSICAL THERAPY MEETING UPDATES**

- 2.1** Commission members Dr. Hobbs and Dr. Best provided an update about the WSCA's annual conference on October 9-11, 2015 they attended. Dr. Smith, Dr. Hobbs, and Dr. Best assisted with the Commission table. Dr. Best indicated several chiropractors visited the Commission table and joined the chiropractic listserv.
- 2.2** Dr. Folweiler provided an update about the WSCA board meetings he attended on November 5, 2015 and December 3, 2015, which included plans for the 2016 conference.
- 2.3** Judy Colenso provided an update regarding the October 12, 2015 Board of Physical Therapy meeting she attended. The agenda items of interest to the Commission were the Board's spinal manipulation endorsement form, the handling of requests from licensees when the supervisor is unavailable for verification of the clinical experience, and the request for recognition to become an approved entity to provide training. The Board's work in this area was to be discussed at their December 7, 2015 Board meeting.

**3. NEW BUSINESS REQUEST ITEMS FROM THE OCTOBER 8, 2015 AND NOVEMBER 12, 2015 MEETINGS** **9:20 a.m.**

**3.1** Commission members discussed the following items:

- December 17, 2015 WSCA workshop – Dr. Folweiler.
  - The WSCA Board will discuss their plan for reviewing the chiropractic rules on December 17, 2015. Dr. Folweiler and Dr. Waldron will attend the meeting. The Commission views the meeting as an excellent opportunity for stakeholder discussion regarding the potential rule changes. We expect formal correspondence from the WSCA at a later date.
- WSCA annual conference and vendor Continuing Education (CE) tracking sheet – Dr. Best reporting for Dr. Smith
  - The Commission discussed how to receive CE for time spent with vendors to This will be discussed further when the CE rule is reviewed.
- February 11, 2016 Expert Witness – Dr. Langel
  - In Dr. Langel’s absence, Dr. Waldron indicated Bob Nicoloff and Mike Ellsworth have begun exploring strategies regarding how to recruit and utilize expert witnesses. Dr. Waldron believes this will result in several projects for the committees. This item will continue to be discussed at the February 11, 2016 meeting.
- Why are Washington State chiropractic fees so high compared to other states? – Jim Slakey
  - For both the pilot project and improving Commission operations, Mr. Slakey recommends that the Commission study how other states conduct business and utilize their resources. As a result, the Commission assigned this item to Committee 2.

**4. RULES PROCESS PRESENTATION – Tami Thompson, DOH Policy Analyst** **10:00 a.m.**

- 4.1** Ms. Thompson provided an agency rules overview presentation to provide background for the rules revisions in process.

**5. LITIGATION OF HEALTH PROFESSION CASE PRESENTATION – Suzanne Becker, AAG** **10:30 a.m.**

- 5.1** Ms. Becker continued her presentation from the August 13, 2015 meeting regarding litigation of health profession cases, including expert witnesses.

**6. POLICY REGARDING TIMELINE FOR THE FIRST CONTINUING EDUCATION AUDITS AFTER INITIAL LICENSURE – Bob Nicoloff** **11:15 a.m.**

- 6.1** Commission members reviewed and discussed the draft continuing education (CE) policy outlining when CE should be due for chiropractors and chiropractic x-ray technicians that are renewing their license for the first time. The policy will be further revised and will be presented at the February 11, 2016 meeting for discussion and consideration.

**7. PUBLIC COMMENT 11:30 a.m.**

**7.1** No members from the public addressed the Commission.

**8. MOCK DISCIPLINARY AUDIT CASE REVIEW – Dr. Chan 11:35 a.m.**

**8.1** Dr. Chan presented chiropractic treatment scenarios for training purposes.

**LUNCH - Commission members took a break for lunch. 12:00 p.m.**

**9. CHIROPRACTIC QUALITY ASSURANCE COMMISSION COMMITTEES 12:30 p.m.**

<u><b>Committee 1</b></u>	<u><b>Committee 2</b></u>	<u><b>Committee Floating Members</b></u>
Dr. Chan, Chair	Dr. Hobbs, Chair	Dr. Waldron
Mr. Slakey	Dr. Smith	Ms. Colenso
Dr. Folweiler	Dr. Pratt	
Dr. Long	Dr. Best	
	Dr. Schmitt	
	Ms. Stephens	

**9.1 Committee 1 Items:**

- List and Labels Requests:  
Committee members did not have any requests to review.
- Reviewed the Commission Budget Summary and Report:  
Committee members reviewed and discussed the current budget report and the proposed discretionary spending report. The revenues and expenditures are tracking as budgeted and continue to remain in an acceptable range.
- Discussed the development and assignments for future mock case presentations:
  - Identified the 2016 mock case presenters for:
    - April 14, 2016 – Dr. Waters
    - August 11, 2016 – Dr. Long
    - December 13, 2016 – Jim Slakey
- Reviewed draft article – Responsibility of a Retiring Chiropractor written by Ms. Colenso:  
Committee members recommended further review of [WAC 246-808-650](#), [WAC 246-808-655](#), and other record retention policies prior to finalizing the article for publication. The draft article will be further reviewed at a future meeting.
- Continued to develop work plans and the following draft newsletter articles will be reviewed at the February 11, 2016 meeting.
  - Dr. Waldron & Mr. Nicoloff – Pilot Project Update (Jan-Apr 2016 edition)
  - Dr. Smith - Spotlight (Jan-Apr 2016 newsletter edition)
  - Louise Stephens – Why a public member? (Jan-Apr 2016 edition)
  - Dr. Waldron - Spotlight for spring newsletter edition

- Dr. Folweiler - Rule-making updates
  - Dr. Langel – New suicide CE requirement
  - Jim Slakey – Performance measures
  - Dr. Long – Overview of the Commission’s educational presentation
- Committee members finalized reviewing the Council on Chiropractic Education’s (CCE) proposed revisions to the CCE Accreditation Standards. The committee had no comments regarding the revisions.
  - Committee members reviewed a draft of 20 “Frequently Asked Questions.” They will continue to revise it during the February 11, 2016 meeting.

## 9.2 **Committee 2 Items:**

- List and Labels Requests:  
Committee members did not have any requests to review.
- Committee members reviewed the current Commission Open Case Status Report and the general categories within the report to assist with developing the mock case assignments.
- Continued to discuss the development and assigned future mock case presentations as follows:
  - February 11, 2016 – Dr. Schmitt
  - June 9, 2016 – Staff – Exercise on case closure codes
  - October 13, 2016 – Louise Stephens
- Continued to develop work plans and the following draft newsletter articles will be reviewed at the February 11, 2016 meeting.
  - Pilot Project Update – Dr. Waldron & Mr. Nicoloff
  - Dr. Waldron - Spotlight for spring newsletter edition
- Review draft article – Responsibility of a Retiring Chiropractor written by Judy Colenso: Committee members recommended further review of [WAC 246-808-650](#), [WAC 246-808-655](#), and other record retention policies are necessary prior to finalizing the article for publication. The draft article will be further reviewed at a future meeting.
- Committee members watched the Commission’s educational presentation (Dr. Smith, Lead). There are a few more minor revisions needed to it. Lilia Lopez will work with Dr. Smith to revise the slides.

It was mentioned that another possible venue where the presentation could possibly be offered is at the WSCA annual meeting. Dr. Smith will also make contact again with the Vancouver Chiropractic Association.

- Continued to discuss if a project should be developed to compare the Commission's CE standards in [WAC 246-808-150](#) with the standards of the Federation of Chiropractic Licensing Boards (FCLB) Providers of Approved Continuing Education (PACE) program to possibly recognize PACE within the rule.

Committee recommended deferring further work until the CE rule is reviewed.

## **10. COMMITTEE REPORTS 3:00 p.m.**

- 10.1** Committees reported to the Commission about their committee work. Some items were presented as a status update and others were presented for consideration.

## **11. JOINT OPERATING AGREEMENT DISCUSSION UPDATE - Bob Nicoloff 3:20 p.m.**

- 11.1** Bob Nicoloff and Jim Slakey updated the Commission about the Joint Operating Agreement (JOA) and meetings with the Department of Health. There will be one more meeting to finalize part one of the JOA. Part two will come later and will cover performance measures.

## **12. MANAGEMENT REPORT – Commission Staff 3:30 p.m.**

- 12.1** Mr. Nicoloff provided an update about the Health Services Consultant 2 Compliance and Projects Manager position and the compliance and licensing functions shifting from the Department of Health division staff to Commission staff. Sue Hall has been offered the position and will start working for the Commission on January 1, 2016.
- 12.2** Jessica Jorgensen presented the cost analysis for future venues in the Tacoma and Kent area. The February 11, 2016 business meeting will be held at the DoubleTree by Hilton in downtown Olympia.
- 12.3** Commission members discussed holding a 2016 rules workshop and mock trial the weekend of May 21-22, 2016. This item will continued to be discussed at the February 11, 2016 meeting.
- 12.4** The Health Systems Quality Assurance Meet-Me conference calls will begin on Tuesday, January 12, 2016 at 8:30 a.m. to 9:00 a.m. and occur every Tuesday through the legislative session. Commission members selected Dr. Chan as the representative and Dr. Folweiler as the alternate for the weekly calls.
- 12.5** No other relevant items were discussed.

## **13. NEW BUSINESS 3:45 p.m.**

- 13.1** Commission members requested the following items for the February 11, 2016 meeting agenda:
- Inform the legislature regarding the CCE student educational hours have increased to 4200 and [RCW 18.25.020](#) is a lower standard of 4000 hours – Drs. Waldron and Chan

- How to use technology to improve participation in the public comment period – Drs. Waldron and Chan
- North Carolina Dental Board versus the Federal Trade Commission update – Ms. Lopez, AAG
- Rule writing survey tool – Mr. Nicoloff

#### **14. PUBLIC COMMENT**

**3:50 p.m.**

**14.1** No members from the public addressed the Commission.

#### **15. CONSENT AGENDA**

Items listed under the consent agenda (informational items) are routine agency matters. Items were approved by a single motion of the commission without discussion.

**15.1** December 2015 issue of “The Sentinel News for Department Employees.”

**15.2** Chiropractic and chiropractic x-ray technicians licensing statistics as of December 4, 2015.

**15.3** Oregon Prioritizes Chiropractic, Complementary Therapies Over Painkiller and Surgery article.

#### **16. COMMISSION ADJOURNMENT**

**3:55 p.m.**

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Prepared By: Leann Yount, Program Manager

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Date

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Approved By: Matthew Waldron, DC, Chair

\_\_\_\_\_  
Date

*Licensing Statistics as of December 4, 2015*

**Chiropractic X-ray Technicians**

	<b>October 6, 2015</b>	<b>December 4, 2015</b>
Total Active Licenses	201	211
Total Pending Licenses	9	13
Expired in Renewal (expired within one year since last renewed)	56	57
Expired Licenses (expired more than one year since last renewed)	967	970
Total Revoked	1	1
Total Suspended	3	3
Active on Probation	0	0
Active with Restrictions or Conditions	0	0

**Chiropractors**

	<b>October 6, 2015</b>	<b>December 4, 2015</b>
Total Active Licenses	2469	2470
Total Pending Licenses	36	42
Total Inactive Licenses	153	155
Expired in Renewal (expired within 1 year since last renewed)	90	96
Expired Licenses (expired more than 1 year since last renewed)	2635	2647
Total Revoked	36	36
Total Suspended	42	43
Active on Probation	8	7
Active with Restrictions	1	1
Active with Conditions	16	15